Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

#### 3. Description of activities.

ABB CENP continued contract negotiations with HANJUNG and KOPEC during the fourth quarter of 1999. Contracts with HANJUNG and KOPEC were signed in January 2000. These contracts require ABB CENP to export certain NSSS components and associated technical documents for the SINPO project beginning in approximately June 2004.

Please contact Virgil Paggen at 860-285-4700 or me if you require any additional information regarding this report.

Very truly yours,

lan C. Rickard

Director, Nuclear Licensing

Attachment: 10 CFR 810 Authorization

copy: Z. Hollander (DOE)

R. Hauber (NRC)

R. DeLaBarre (State)



October 19, 1999 LD-99-052

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir.

The purpose of this letter is to report activities undertaken by ABB Combustion Engineering Nuclear Power, Inc. (ABB CENP) as successor in interest to Combustion Engineering, Inc. through the third quarter of 1999 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the Authorization and 10 CFR 810.13, ABB CENP hereby provides its quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

ABB Combustion Engineering Nuclear Power, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

ABB Combustion Engineering Nuclear Power Inc.

Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

#### 3. Description of activities;

ABB CENP continued contract negotiations with HANJUNG and KOPEC during the third quarter of 1999.

Please contact me or Virgil Paggen at 860-285-4700 if you require any additional information regarding this report.

Very truly yours,

Van-e. Rickard

Director, Nuclear Licensing

Attachment: 10 CFR 810 Authorization



June 30, 1999 LD-99-037

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir.

The purpose of this letter is to report activities undertaken by ABB Combustion Engineering Nuclear Power, Inc. (ABB CENP) as successor in interest to Combustion Engineering, Inc. through the second quarter of 1999 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the Authorization and 10 CFR 810.13, ABB CENP hereby provides its quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

ABB Combustion Engineering Nuclear Power, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

ABB Combustion Engineering Nuclear Power Inc.

PO Box 500

2000 Day Hill Rd Windsor, CT 06095-0500 Phone 860-285-9678 Fax 860-285-3253 Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

# 3. Description of activities:

ABB CENP continued contract negotiations with HANJUNG and KOPEC during the second quarter of 1999.

Please contact me or Virgil Paggen at 860-285-4700 if you require any additional information regarding this report.

Very truly yours,

lan C. Rickard Director, Nuclear Licensing

Attachment: 10 CFR 810 Authorization



April 20, 1999 LD-99-024

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir.

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the first quarter of 1999 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the authorization and 10 CFR 810.13, CE hereby provides its quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

ABB Combustion Engineering Nuclear Power

Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

3. Description of activities.

CE continued contract negotiations with HANJUNG and KOPEC during the first quarter of 1999.

Please contact me at 860-285-9678 if you require any additional information regarding this report.

Very truly yours,

lan C. Rickard

Director, Nuclear Licensing

Attachment: 10 CFR 810 Authorization



January 20, 1999 LD-99-004

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir.

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the fourth quarter of 1998 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the authorization and 10 CFR 810.13, CE hereby provides its quarterly written report on its activities involving North Korea.

- 1. Name and address of the person submitting this report:
  - Combustion Engineering, Inc.
     2000 Day Hill Road
     Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

ABB Combustion Engineering Nuclear Power

Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

3. Description of activities.

CE continued contract negotiations with HANJUNG and KOPEC during the fourth quarter of 1998.

Please contact me at 860-285-9678 if you require any additional information regarding this report.

Very truly yours,

Jan C. Rickard

Director, Nuclear Licensing

Attachment 10 CFR 810 Authorization



October 30, 1998 LD-98-036

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir:

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the third quarter of 1998 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the authorization and 10 CFR 810.13, CE hereby provides its quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

ABB Combustion Engineering Nuclear Systems

Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

### 3. Description of activities.

CE submitted proposals in response to requests received from HANJUNG and KOPEC during the third quarter of 1998. Contract negotiations are currently underway between CE, HANJUNG and KOPEC.

Please contact me at 860-285-9678 if you require any additional information regarding this report.

Very truly yours.

lan C. Rickard

Director, Nuclear Licensing

Attachment: 10 CFR 810 Authorization



July 29, 1998 LD-98-022

Director, Export Control Operations Division IS-40. Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject:

Justa-hur Litter Deina-Justa Justana-Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir:

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the second quarter of 1998 to provide technology, equipment and services for the design, construction. operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the authorization and 10 CFR 810.13, CE hereby provides its quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

ABB Combustion Engineering Nuclear Operations

US Department of State 2201 C Street, N.W. Washington, DC 205203. Description of activities.

#### 3. Description of activities:

CE personnel worked with members of the above listed entities to discuss project schedule and cost, CE's scope of supply and to provide them with overview information on CE's reactor design. In addition, CE personnel participated in meetings with members of the above listed entities to discuss division of responsibilities on this project. CE is expected to receive the requests for proposal from HANJUNG and KOPEC during the third quarter of 1998.

Please contact me at (860)285-9678 if you require any additional information regarding this report.

Very truly yours,

I. C. Rickard

Director, Nuclear Licensing

Attachment - 10 CFR Part 810 Authorization

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# Department of Energy

Washington, DC 20585

May 10, 1996

Mr. C. B. Brinkman
Director, Nuclear Licensing
Combustion Engineering, Inc.
P.O. Box 500
1000 Prospect Hill Road
Windsor, Connecticut 06095-0500

#### Dear Mr. Brinkman:

I am pleased to inform you that the Secretary has approved Combustion Engineering's (CE) August 9, 1995, application pursuant to Department of Energy (DOE) regulations 10 CFR Part 810. This authorizes CE to provide a broad range of technology, equipment, and services for the design, construction, operation, and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea).

Note that the authorization, a copy of which is enclosed, is subject to:

- U.S. Government receipt of North Korean Government assurances that:
  - Transferred CE technology will be used only for peaceful nuclear power generation and not for any military or nuclear explosive purpose.
  - Neither the transferred technology nor equipment based upon it will be retransferred to another country without prior U.S. Government consent.
  - The reactors to be built in North Korea will be placed under International Atomic Energy Agency safeguards.

## • CE's agreement to:

- Ensure that its technology transferred to North Korea is only that necessary for the licensing and safe operation of the reactors and not technology enabling the design or manufacture of nuclear reactor components or fuel.
- Make written reports on its North Korea-related activities to my office on a quarterly basis and to brief DOE and representatives of other U.S. Government agencies whenever DOE so requests.

This authorization is valid for an initial period of five years, renewable by the Department in the light of experience and the circumstances at that time, but will be suspended automatically, subject to reinstatement by the Department, if either the United States or North Korea abrogates the Agreed Framework agreement establishing the Korean Peninsula Energy Development Organization and the arrangements under which the reactors will be supplied.

Further, CE employees engaged in this activity, especially those with experience in Naval Nuclear Reactors, should be cautioned against inadvertent disclosure of technology not covered by the authorization, including Naval Nuclear Propulsion Information. Failure to comply with these requirements could result in legal action, both individually and against CE, and revocation of the authorization.

Finally, in order to exercise the authorization, CE must obtain any necessary Department of Commerce export licenses in connection with the proposed transfers.

The Department of State has been requested to obtain the required North Korean Government assurances.

In accord with section 810.10 (d), a copy of this determination will be made available at the Department's Public Reading Room in about 30 days unless CE objects and shows that "public disclosure will cause substantial harm to its competitive position." I also call your attention to the reporting requirements imposed by section 810.13(a) on the recipient of a specific authorization.

If you have any questions regarding this matter, please contact Mr. Zander Hollander of my staff. His telephone is (202) 586-2125.

Sincerely,

Trisha Dedik, Director Export Control Division Office of Arms Control

and Nonproliferation



# The Secretary of Energy Washington, DC 20585

DETERMINATION PURSUANT TO DEPARTMENT OF ENERGY REGULATIONS 10 CFR PART 810 ON COMBUSTION ENGINEERING REQUEST TO PROVIDE NUCLEAR POWER REACTOR TECHNOLOGY TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF KOREA (95NK001)

Having considered the factors listed in IO CFR Part 810.10, the Department of Energy staff recommendation of approval, the Department of State concurrence, and the consultations with the Departments of Defense and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, I have determined that it will not be inimical to the interest of the United States for Combustion Engineering, Inc., to provide technology, equipment, and services for the design, construction, operation, and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea).

I, therefore, authorize the activities described in Combustion Engineering's August 9, 1995, letter of application, subject to:

- U.S. Government receipt of North Korean Government assurances that:
  - Transferred Combustion Engineering technology will be used only for peaceful nuclear power generation and not for any military or nuclear explosive purpose.
  - Neither the transferred technology nor equipment based upon it will be retransferred to another country without prior U.S. Government consent.
  - The reactors to be built in North Korea will be placed under International Atomic Energy Agency safeguards.
- Combustion Engineering's agreement to:
  - Ensure that its technology transferred to North Korea is only that
    necessary for the licensing and safe operation of the reactors and
    not technology enabling the design or manufacture of nuclear
    reactor components or fuel.

To make written reports on its North Korea-related activities on a quarterly basis and brief DOE and representatives of other U.S. Government agencies on its North Korea-related activities whenever DOE so requests.

This authorization shall be valid for an initial period of five years, renewable by the Department in the light of experience and the circumstances at that time, and shall be suspended, subject to reinstatement by the Department, if either the United States or North Korea abrogates the Agreed Framework agreement establishing the Korean Peninsula Energy Development Organization and the arrangements under which the reactors will be supplied.

Hazel R. O'Leary

May 6, 1996

Date



April 27, 1998 LD-98-012

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir:

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the first quarter of 1998 in conjunction with the furnishing of technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the subject specific authorization and 10 CFR 810.13, CE hereby provides its quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

Korea Heavy Industries & Construction CO., LTD. (HANJUNG) 555 Guygok-Dong, Changwon Kyungnam, Korea

Korea Power Engineering Company, INC. (KOPEC) 360-9 Mabuk-Ri, Kusong-Myon, Yongin Kyunggi, Korea

ABB Combustion Engineering Nuclear Operations

US Department of State 2201 C Street, N.W. Washington, DC 20520

#### 3. Description of activities.

CE personnel worked with members of the above listed entities to discuss project schedule and cost, CE's scope of supply and to provide them with overview information on CE's reactor design. In addition, CE personnel participated in meetings with members of the above listed entities to discuss the individual responsibilities on this project. On February 18, CE received draft requests for proposal from HANJUNG and KOPEC and CE is in the process of preparing draft proposals. A formal request for proposal is expected later this year.

Please contact me at (860) 285-9678 if you require any additional information regarding this report.

Very truly yours

I.C. Rickard

Director, Nuclear Licensing

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Attachment - 10 CFR Part 810 Authorization



January 19, 1998 LD-98-006

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards US Department of Energy Washington, DC 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir:

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (C-E) through the fourth quarter of 1997 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with this authorization and 10 CFR 810.13, C-E provides the following report of its activities for the quarter ending December 1997.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: USA

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

US Department of State 2201 C Street, NW Washington, DC 20520

Asea Brown Boveri Inc.

# 3. Description of Activities:

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C-E personnel discussed project schedule and cost, scope of supply and overview information on C-E's reactor design with members of the above listed entities. In addition, C-E personnel participated in meetings with members of the above listed entities and representatives of the Governments of South Korea and Japan to discuss division of responsibilities for this project. C-E personnel also provided US Government officials with information on the balance of plant design and general nuclear power plant component procurement practices.

Upon consultation with the staff of the United States Nuclear Regulatory Commission (USNRC), C-E filed an application with the USNRC by a letter dated December 23, 1997 pursuant to 10 CFR 110 for a license to export two nuclear utilization facilities to the DPRK.

Please contact me at 860-285-5204 or Mr. Ritterbusch at 860-285-5206 if you require any additional information regarding this report.

Very truly yours,

Charles B. Brinkman

Director, Nuclear Licensing

Charles B. Simbon

Attachment - 10 CFR Part 810 Authorization



# Department of Energy

Washington, DC 20585

May 10, 1996

Mr. C. B. Brinkman
Director, Nuclear Licensing
Combustion Engineering, Inc.
P.O. Box 500
1000 Prospect Hill Road
Windsor, Connecticut 06095-0500

Dear Mr. Brinkman:

I am pleased to inform you that the Secretary has approved Combustion Engineering's (CE) August 9, 1995, application pursuant to Department of Energy (DOE) regulations 10 CFR Part 810. This authorizes CE to provide a broad range of technology, equipment, and services for the design, construction, operation, and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea).

Note that the authorization, a copy of which is enclosed, is subject to:

- U.S. Government receipt of North Korean Government assurances that:
  - Transferred CE technology will be used only for peaceful nuclear power generation and not for any military or nuclear explosive purpose.
  - Neither the transferred technology nor equipment based upon it will be retransferred to another country without prior U.S. Government consent.
  - The reactors to be built in North Korea will be placed under International Atomic Energy Agency safeguards.

# • CE's agreement to:

- Ensure that its technology transferred to North Korea is only that necessary for the licensing and safe operation of the reactors and not technology enabling the design or manufacture of nuclear reactor components or fuel.
- Make written reports on its North Korea-related activities to my office on a quarterly basis and to brief DOE and representatives of other U.S. Government agencies whenever DOE so requests.

This authorization is valid for an initial period of five years, renewable by the Department in the light of experience and the circumstances at that time, but will be suspended automatically, subject to reinstatement by the Department, if either the United States or North Korea abrogates the Agreed Framework agreement establishing the Korean Peninsula Energy Development Organization and the arrangements under which the reactors will be supplied.

Further, CE employees engaged in this activity, especially those with experience in Naval Nuclear Reactors, should be cautioned against inadvertent disclosure of technology not covered by the authorization, including Naval Nuclear Propulsion Information. Failure to comply with these requirements could result in legal action, both individually and against CE, and revocation of the authorization.

Finally, in order to exercise the authorization, CE must obtain any necessary Department of Commerce export licenses in connection with the proposed transfers.

The Department of State has been requested to obtain the required North Korean Government assurances.

In accord with section 810.10 (d), a copy of this determination will be made available at the Department's Public Reading Room in about 30 days unless CE objects and shows that "public disclosure will cause substantial harm to its competitive position." I also call your attention to the reporting requirements imposed by section 810.13(a) on the recipient of a specific authorization.

If you have any questions regarding this matter, please contact Mr. Zander Hollander of my staff. His telephone is (202) 586-2125.

Sincerely,

Trisha Dedik, Director Export Control Division Office of Arms Control

and Nonproliferation

Enclosure



## The Secretary of Energy Washington, DC 20585

DETERMINATION PURSUANT TO DEPARTMENT OF ENERGY REGULATIONS 10 CFR PART 810 ON COMBUSTION ENGINEERING REQUEST TO PROVIDE NUCLEAR POWER REACTOR TECHNOLOGY TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF KOREA (95NK001)

Having considered the factors listed in IO CFR Part 810.10, the Department of Energy staff recommendation of approval, the Department of State concurrence, and the consultations with the Departments of Defense and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, I have determined that it will not be inimical to the interest of the United States for Combustion Engineering, Inc., to provide technology, equipment, and services for the design, construction, operation, and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea).

I, therefore, authorize the activities described in Combustion Engineering's August 9, 1995, letter of application, subject to:

- U.S. Government receipt of North Korean Government assurances that:
  - Transferred Combustion Engineering technology will be used only for peaceful nuclear power generation and not for any military or nuclear explosive purpose.
  - Neither the transferred technology nor equipment based upon it will be retransferred to another country without prior U.S.
     Government consent.
  - The reactors to be built in North Korea will be placed under International Atomic Energy Agency safeguards.
- Combustion Engineering's agreement to:
  - Ensure that its technology transferred to North Korea is only that necessary for the licensing and safe operation of the reactors and not technology enabling the design or manufacture of nuclear reactor components or fuel.

To make written reports on its North Korea-related activities on a quarterly basis and brief DOE and representatives of other U.S. Government agencies on its North Korea-related activities whenever DOE so requests.

This authorization shall be valid for an initial period of five years, renewable by the Department in the light of experience and the circumstances at that time, and shall be suspended, subject to reinstatement by the Department, if either the United States or North Korea abrogates the Agreed Framework agreement establishing the Korean Peninsula Energy Development Organization and the arrangements under which the reactors will be supplied.

Hazel R. O'Leary

May 6, 1996

Date





BACK HOME

§ 810.12 Information required in an application for specific

#### § 810.13 Reports.

- (a) Any person who has received a specific authorization shall within 30 days after beginning the authorized activity provide to the Department of Energy a report containing the following information:
- (1) The name, address, and citizenship of the person submitting the report;
- (2) The name, address, and citizenship of the person or entity for which the activity is being performed;
- (3) A description of the activity, the date it began, its location, status, and anticipated date of completion; and
- (4) A copy of the Department of Energy's letter authorizing the activity.
- (b) Any person carrying out a specifically authorized activity shall inform DOE when the activity is completed or if it is terminated before completion.
- (c) Any person granted a specific authorization shall inform DOE when it is known that the proposed activity will not be undertaken and the granted authorization will not be used.
- (d) Any person, within 30 days after beginning any generally authorized activity under § 810.7(b), (c), or (h), shall provide to the Department of Energy:
- (1) The name, address, and citizenship of the person submitting the report;
- (2) The name, address, and citizenship of the person or entity for which the activity is being performed; and
- (3) A description of the activity, the date it began, its location, status, and anticipated date of completion.
- (4) An assurance that the U.S. vendor has an agreement with the recipient ensuring that any subsequent transfer of materials, equipment, or technology transferred under general authorization to a country listed in § 810.8(a) will only take place if the vendor obtains DOE approval.
- (e) Persons engaging in generally authorized activities as employees of persons required to report are not themselves required to report.
- (f) Persons engaging in activities generally authorized under § 810.7(a), (d), (e), (f), and (g) are not subject to reporting requirements under this section.
- (g) All reports should be sent to: U.S. Department of Energy, Washington, DC 20585. Attention: Director, Export Control Operations Division, IS-40, Office of Export Control and International Safeguards.

[51 FR 44574, Dec. 10, 1986, as amended at 58 FR 39639, July 16, 1993]

§ 810.14 Additional information.



November 7, 1997 LD-97-032

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards US Department of Energy Washington, DC 20585

Subject:

Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir:

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (C-E) through the third quarter of 1997 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with this authorization and 10 CFR 810.13, C-E provides the following report of its activities for the quarter ending September 1997.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: USA

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

ABB Combustion Engineering Nuclear Systems

US Department of State 2201 C Street, NW Washington, DC 20520

#### 3. Description of Activities:

C-E personnel discussed project schedule and cost, scope of supply and overview information on C-E's reactor design with members of the above listed entities. In addition, C-E personnel participated in meetings with members of the above listed entities and representatives of the Governments of South Korea and Japan to discuss division of responsibilities for this project. C-E personnel also provided US Government officials with information on the balance of plant design and general nuclear power plant component procurement practices.

Please contact me at 860-285-5204 if you require any additional information regarding this report.

Very truly yours,

Charles B. Brinkman

Director, Nuclear Licensing

Vitgil Pagger for

Attachment - 10 CFR Part 810 Authorization



August 20, 1997 LD-97-025

Director, Export Control Operations Division
IS-40, Office of Export Control and International Safeguards
U.S. Department of Energy
Washington, DC 20585

Subject: Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir.

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the second quarter of 1997 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea) in support of the Agreed Framework. Specific Authorization for such activities was issued by the Department of Energy on May 10, 1996. In accordance with the authorization and 10 CFR 810.13, CE hereby provides its second quarterly written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

US Department of State 2201 C Street, N.W. Washington, DC 20520

ABB Combustion Engineering Nuclear Systems

#### 3. Description of activities.

CE personnel worked with members of the above listed entities to discuss project schedule and cost as well as CE's scope of supply and to provide them with overview information on CE's reactor design. In addition, CE personnel participated in meetings with members of the above listed entities and representatives of the Governments of Japan and Korea (South Korea) to discuss division of responsibilities on this project.

Please contact me at 860-285-5204 if you require any additional information regarding this report.

Very truly yours,

C. B. Brinkman

Director, Nuclear Licensing

S.E. Kitterbusch for

RSL:lw

(attachment - copy of DOE Part 810 letter)



LD-97-013 April 23, 1997

Director, Export Control Operations Division IS-40, Office of Export Control and International Safeguards U.S. Department of Energy Washington, D.C. 20585

Subject: Report Pursuant to 10 CFR 810 Specific Authorization dated May 6, 1996

Dear Sir:

The purpose of this letter is to report activities undertaken by Combustion Engineering, Inc. (CE) through the first quarter of 1997 to provide technology, equipment and services for the design, construction, operation and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea), in support of the Agreed Framework. Such information transfer was authorized by the Department of Energy on May 10, 1996;a copy of the specific authorization is attached for your reference. In accordance with the authorization and 10 CFR 810.13, CE hereby wishes to provide its first written report on its activities involving North Korea.

1. Name and address of the person submitting this report:

Combustion Engineering, Inc. 2000 Day Hill Road Windsor, CT 06095 C. B. Brinkman

Citizenship: U.S.A.

2. Name and address of the entity for which the activity is being performed:

Korean Peninsula Energy Development Organization (KEDO) 600 3rd Avenue, 12th Floor New York, New York 10016

Korea Electric Power Corporation (KEPCO) 167 Samsung-Dong, Kangnam-Ku Seoul, Korea

ABB Combustion Engineering Nuclear Power

C. B. Brinkman

US Department of State 2201 C Street, N.W. Washington, DC 20520

## 3. Description of activities.

CE personnel worked with members of the above listed entities to discuss project schedule and cost, and to provide them with overview information on CE's reactor design. To date, CE has not engaged in any activities that require an invocation of the specific authorization from the DOE.

#### 4. Miscellaneous

KEPCO personnel inquired whether a copy of the Preliminary Safety Analysis Report (PSAR) for the Ulchin (South Korea) plant could be provided to North Korea either directly or indirectly through KEDO. After appropriate consultations, we indicated to KEPCO that public information such as that contained in a PSAR and which would routinely be provided to a utility in the course of soliciting business may be provided to North Korea.

Please contact me at 860-285-5204 if you require any additional information regarding this report.

Very truly yours,

Railer S. Suuliman

Charles B. Brinkman

Director, Nuclear Licensing

(attachment - copy of DOE Part 810 letter)



# Department of Energy

Washington, DC 20585

May 10, 1996

Mr. C. B. Brinkman
Director, Nuclear Licensing
Combustion Engineering, Inc.
P.O. Box 500
1000 Prospect Hill Road
Windsor, Connecticut 06095-0500

Dear Mr. Brinkman:

I am pleased to inform you that the Secretary has approved Combustion Engineering's (CE) August 9, 1995, application pursuant to Department of Energy (DOE) regulations 10 CFR Part 810. This authorizes CE to provide a broad range of technology, equipment, and services for the design, construction, operation, and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea).

Note that the authorization, a copy of which is enclosed, is subject to:

- U.S. Government receipt of North Korean Government assurances that:
  - Transferred CE technology will be used only for peaceful nuclear power generation and not for any military or nuclear explosive purpose.
  - Neither the transferred technology nor equipment based upon it will be retransferred to another country without prior U.S. Government consent.
  - The reactors to be built in North Korea will be placed under International Atomic Energy Agency safeguards.
- CE's agreement to:
  - Ensure that its technology transferred to North Korea is only that necessary for the licensing and safe operation of the reactors and not technology enabling the design or manufacture of nuclear reactor components or fuel.
  - Make written reports on its North Korea-related activities to my office on a
    quarterly basis and to brief DOE and representatives of other U.S. Government
    agencies whenever DOE so requests.

This authorization is valid for an initial period of five years, renewable by the Department in the light of experience and the circumstances at that time, but will be suspended automatically, subject to reinstatement by the Department, if either the United States or North Korea abrogates the Agreed Framework agreement establishing the Korean Peninsula Energy Development Organization and the arrangements under which the reactors will be supplied.

Further, CE employees engaged in this activity, especially those with experience in Naval Nuclear Reactors, should be cautioned against inadvertent disclosure of technology not covered by the authorization, including Naval Nuclear Propulsion Information. Failure to comply with these requirements could result in legal action, both individually and against CE, and revocation of the authorization.

Finally, in order to exercise the authorization, CE must obtain any necessary Department of Commerce export licenses in connection with the proposed transfers.

The Department of State has been requested to obtain the required North Korean Government assurances.

In accord with section 810.10 (d), a copy of this determination will be made available at the Department's Public Reading Room in about 30 days unless CE objects and shows that "public disclosure will cause substantial harm to its competitive position." I also call your attention to the reporting requirements imposed by section 810.13(a) on the recipient of a specific authorization.

If you have any questions regarding this matter, please contact Mr. Zander Hollander of my staff. His telephone is (202) 586-2125.

Sincerely,

Trisha Dedik, Director Export Control Division Office of Arms Control and Nonproliferation

Enclosure



## The Secretary of Energy Washington, DC 20585

DETERMINATION PURSUANT TO DEPARTMENT OF ENERGY, REGULATIONS 10 CFR PART 810 ON COMBUSTION ENGINEERING REQUEST TO PROVIDE NUCLEAR POWER REACTOR TECHNOLOGY TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF KOREA (95NK001)

Having considered the factors listed in IO CFR Part 810.10, the Department of Energy staff recommendation of approval, the Department of State concurrence, and the consultations with the Departments of Defense and Commerce, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, I have determined that it will not be inimical to the interest of the United States for Combustion Engineering, Inc., to provide technology, equipment, and services for the design, construction, operation, and maintenance of two light water nuclear power reactors in the Democratic People's Republic of Korea (North Korea).

I, therefore, authorize the activities described in Combustion Engineering's August 9, 1995, letter of application, subject to:

- U.S. Government receipt of North Korean Government assurances that:
  - Transferred Combustion Engineering technology will be used only for peaceful nuclear power generation and not for any military or nuclear explosive purpose.
  - Neither the transferred technology nor equipment based upon it will be retransferred to another country without prior U.S. Government consent.
  - The reactors to be built in North Korea will be placed under International Atomic Energy Agency safeguards.
- Combustion Engineering's agreement to:
  - Ensure that its technology transferred to North Korea is only that necessary for the licensing and safe operation of the reactors and not technology enabling the design or manufacture of nuclear reactor components or fuel.

To make written reports on its North Korea-related activities on a quarterly basis and brief DOE and representatives of other U.S. Government agencies on its North Korea-related activities whenever DOE so requests.

This authorization shall be valid for an initial period of five years, renewable by the Department in the light of experience and the circumstances at that time, and shall be suspended, subject to reinstatement by the Department, if either the United States or North Korea abrogates the Agreed Framework agreement establishing the Korean Peninsula Energy Development Organization and the arrangements under which the reactors will be supplied.

Hazel R. O'Leary

May 6, 1996

Date